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ENA U.S. DISTRICT COURT TEERN DISTRICT OF OHID CURVETANO

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO EASTERN DIVISION

UNITED STATES OF AMERICA,	.)	INFORMATION			
Plaintiff,)))		15	CR	121
V.)	CASE NO)		
•) Title 18, Section 1920, United				
PHILIP A. RIZK,)		States Co	de	
Defendant.)) Count 1	ge e			VER

The United States Attorney charges:

- 1. At all times material to this Information:
- a. The Office of Workers Compensation Programs of the United States

 Department of Labor ("DOL"), part of the executive branch of the Government of the United

 States, administered a benefit program under the Federal Employee's Compensation Act

 ("FECA"), Chapter 81, Title 5, United States Code;
- b. Employees of the United States Postal Service who are disabled due to occupational injury receive compensation benefits under FECA;
- c. The DOL has sole authority to determine if a claimant is entitled to benefits provided by FECA;

- d. All payments under FECA to disabled Postal Service Employees are financed by funds of the United States Postal Service;
- e. The DOL required periodic reports from disabled employees, known as EN1032 ("Affidavit of Earnings Activities"), in order to determine whether disabled employees
 continue to be eligible to receive benefits under FECA. Each form requires a disabled employee
 to report any and all work activity, whether paid or unpaid, part-time or intermittent, including
 work for an employer, self-employment, or volunteer work, so that DOL could determine
 whether a disabled employee remained eligible for continued FECA benefits;
- f. PHILIP A. RIZK was an employee of the United States Postal Service as a letter carrier who was receiving disability benefits under FECA; and
- g. PHILIP A. RIZK received \$27,798.84 in FECA benefits from on or about July 9, 2012 to February 1, 2013, the period of time during which no work-related physical restrictions were necessary for Defendant to return to his employment with the United States Postal Service.
- 2. On or about January 30, 2012, in the Northern District of Ohio, Eastern Division, defendant PHILIP A. RIZK, in connection with the re-certification for and the receipt of compensation, other benefits, and payment under the Federal Employee's Compensation Act, did knowingly and willfully falsify, conceal, and cover up a material fact and did knowingly make a false, fictitious, and fraudulent statement and representation, to wit: on or about January 30, 2012, PHILIP A. RIZK, signed and submitted an Affidavit of Earnings Activities Report and answered "No" to the question regarding whether he engaged in work or volunteer activities, when in truth and fact, as he well knew, PHILIP A. RIZK was performing such work, in violation of Title 18, Section 1920, United States Code.

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COUNT 2

The United States Attorney further charges:

1. On or about November 19, 2012, in the Northern District of Ohio, Eastern Division, defendant PHILIP A. RIZK, in connection with the re-certification for and the receipt of compensation, other benefits, and payment under the Federal Employee's Compensation Act, did knowingly and willfully falsify, conceal, and cover up a material fact and did knowingly make a false, fictitious, and fraudulent statement and representation, to wit: on or about November 19, 2012, PHILIP A. RIZK, signed and submitted an Affidavit of Earnings Activities Report and answered "No" to the question regarding whether he engaged in work or volunteer activities, when in truth and fact, as he well knew, PHILIP A. RIZK was performing such work, in violation of Title 18, Section 1920, United States Code.

STEVEN M. DETTELBACH United States Attorney

By:

EDWARD F. FERAN Chief, Major Crimes Unit